HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 2285 OF 2006

DATED: 07.2.2006

Between:

K. Narasimha Reddy and another

… Petitioners

and

The Government of Andhra Pradesh,

Represented by its Secretary, Home

Department, Secretariat Buildings,

Hyderabad and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.2285 OF 2006

ORAL ORDER:

Writ Petition is misconceived.

The two petitioners, claim to be the owners of Ac.0.36 guntas and Ac.1.00 in Survey Numbers 271 and 272 of Nizampet Village, Quthubullapur Mandal, Ranga Reddy District; to have entered into an agreement with the 4th respondent on 24.11.1999 for development of the property. The petitioners preferred a complaint to the 3rd respondent alleging offences by the 4th respondent, falling within the provisions of Sections 406, 409 and 420 of the Indian Penal Code. There being no response to the complaint by the 3rd respondent, the petitioners approached the I Class Judicial Magistrate, Ranga Reddy District, who referred the complaint to the 3rd respondent for investigation, in November 2004. After investigation, the 3rd respondent filed a final report in the Magistrate's court recording that the complaint discloses only civil disputes.

Alleging that the 3rd respondent has not properly investigated their complaint and had filed a final report to the effect that the disputes are civil in nature, the writ petition is filed.

The essential disputes between the petitioners and the 4th respondent is as regards violation of the agreement between the parties for the development of the petitioners' properties, pursuant to a development agreement and a GPA executed in favour of the 4th respondent. Such disputes being essentially civil in nature, the final report filed by the 3rd respondent suffers from no error, warranting interference.

Writ Petition is dismissed. Petitioners are at liberty to pursue their appropriate civil remedies against the 4th respondent before a civil court of competence

jurisdiction. There shall however be no order as to costs.

GODA RAGHURAM, J

Date: 07.2.2006

cvm